



Telephone
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Facsimile
(330) 877-2030

MARTIN & FERRARO, LLP
1557 Lake O'Pines Street, NE
Hartville, Ohio 44632

FACSIMILE TRANSMITTAL

TO:

Name: Mail Stop MISSING PARTS

FROM:

Name: Thomas H. Martin, Esq.

Firm: U.S. Patent & Trademark Office

Phone No.: 330-877-2277

Fax No.: 703-746-4060

No. of Pages (including this): 17

Subject: U.S. Patent Application No. 10/706,715
John I. Shipp

Date: September 3, 2004

Filed: November 12, 2003
SURGICAL LIGATION CLIP

Confirmation Copy to Follow: No

Attorney Docket No. 115.0023-00000
Customer No. 22882
Confirmation No.: 7246

Message:

CERTIFICATE OF TRANSMISSION UNDER 37 CFR 1.8

I hereby certify that the attached Communication with courtesy copies of the Facsimile Transmittal, Petition Under 37 C.F.R. § 1.47(b) And Statement Of Facts (\$130.00 petition fee charged to Deposit Account No. 50-1068), executed Declaration, Statement Under 37 C.F.R. § 3.73(b) with Notice of Recordation and Assignment (Exhibit A), Power of Attorney, Exhibit B, and the return copy of the Notice of Missing Parts as originally filed on July 9, 2004 (including the PTO Auto-Reply and Confirmation of Transmission) are being facsimile transmitted to the U.S. Patent and Trademark Office on September 3, 2004.

The signature of Sandra L. Blackmon, written in cursive ink.

Sandra L. Blackmon

If there is a problem with this transmission please call Sandy Blackmon at 330-877-1202 or the sender at the number above.

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PATENT
Attorney Docket No. 115.0023-00000
Customer No. 22882

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

| | | |
|-----------------------------|---|------------------------|
| In re Application of: |) | Confirmation No.: 7246 |
| John I. Shipp |) | |
| Serial No.: 10/706,715 |) | Group Art Unit: 3731 |
| Filed: November 12, 2003 |) | |
| For: SURGICAL LIGATION CLIP |) | |

Mail Stop MISSING PARTS
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

COMMUNICATION

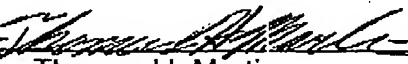
In response to the Decision Refusing Status Under 37 C.F.R. § 1.47(b), the undersigned submits herewith a copy of the Facsimile Transmittal, Petition Under 37 C.F.R. § 1.47(b) and Statement of Facts, executed Declaration, Statement Under 37 C.F.R. § 3.73(b) with Notice of Recordation and Assignment (Exhibit A), Power of Attorney, Exhibit B, and the return copy of the Notice of Missing Parts as originally filed on July 9, 2004, including the PTO Auto-Reply and Confirmation of Transmission.

In view of the above, the undersigned hereby petitions the Commissioner to accept the Declaration executed on behalf of the assignee due to the refusal of the inventor to sign such Declaration.

Respectfully submitted,

MARTIN & FERRARO, LLP

Dated: September 3, 2004

By: 

Thomas H. Martin
Registration No. 34,383

1557 Lake O'Pines Street, NE
Hartville, Ohio 44632
Telephone: (330) 877-0700
Facsimile: (330) 877-2030

09-03-2004 14:38

From: MARTIN & FERRARO LLP

3308772030

T-158 P.003

F-349

USPTO 7/9/2004 3:58 PM PAGE 1/001 Fax Server
Auto-reply fax to 3308772030 COMPANY:

Auto-Reply Facsimile Transmission



TO: Fax Sender at 3308772030

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Received
Cover
Page

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|---|-----------------------------------|------------|-------|-------|------------------------------|
| 07-03-2004 15:37 | From: MARTIN & FERRARO LLP | 3308772030 | T-158 | P.003 | F-349 |
| MARTIN & FERRARO, LLP 1537 Lake O' the Woods Street, NE Hartville, Ohio 44632 | | | | | |
| Telephone (330) 877-0700 | | | | | Fax/Email: (330) 877-2150 |
| FACSIMILE TRANSMITTAL | | | | | |
| TO: | FROM: | | | | |
| Name: Mail Stop MISSING PARTS | Name: Thomas H. Martin, Esq. | | | | |
| Firm: U.S. Patent & Trademark Office | Phone No.: 330-877-2277 | | | | |
| Fax No.: 703-746-4060 | No. of Pages (including this): 15 | | | | |
| Subject: U.S. Patent Application No. 10/680,973 | Date: July 9, 2004 | | | | |
| John L. Shipp et al. | Confirmation Copy to Follow: No. | | | | |
| Filed: October 7, 2003 | | | | | |
| INSTRUMENTS AND METHODS FOR USE IN: LAPAROSCOPIC SURGERY | | | | | |
| Attorney Docket No. 113.0024-00000 | | | | | |
| Customer No. 22882 | | | | | |
| Confirmation No.: 6060 | | | | | |
| Message: | | | | | |
| CERTIFICATE OF TRANSMISSION UNDER 37 CFR 1.8 | | | | | |
| <p>I hereby certify that the attached Petition Under 37 C.F.R. § 1.47(a) And Statement Of Fees (SI 30.00 petition fee charged to Deposit Account No. 50-1068), executed Declaration, Statement Under 37 C.F.R. § 1.73(b) with Notice of Recitation and Assignment (Exhibit A), Power of Attorney, Exhibit B, and the return copy of the Notice of Missing Parts are being facsimile transmitted to the U.S. Patent and Trademark Office on July 9, 2004.</p> | | | | | |
|  Thomas H. Martin | | | | | |
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PAGE 1/17 * RCVD AT 7/9/2004 2:31:50 PM [Eastern Daylight Time] * SVR:USPTO-EFXRF-2/0 * DNIS:7464060 * CSID:3308772030 * DURATION (mm:ss):04:56 , 23-JUL-2004

Confirmation Report - Memory Send

Time : 07-09-2004 16:01
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Job number : 811
 Date : 07-09 15:57
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 Start time : 07-09 15:57
 End time : 07-09 16:01
 Pages sent : 013
 Status : OK

Job number : 811 ***** SEND SUCCESSFUL *****

MARTIN & FERRARO, LLP
1557 Lake O'Pines Street, NE
Barterville, Ohio 44632

Telephone
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FACSIMILE TRANSMITTAL

| TO: | FROM: |
|---|---|
| Name: Mail Stop MISSING PARTS | Name: Thomas H. Martin, Esq. |
| Firm: U.S. Patent & Trademark Office | |
| Fax No.: 703-746-4060 | Phone No.: 330-877-2277 |
| Subject: U.S. Patent Application No. 10/680,973 John T. Shipp et al. Filed: October 7, 2003 INSTRUMENTS AND METHODS FOR USE IN LAPAROSCOPIC SURGERY Attorney Docket No. 115.0024-00000 Customer No. 22882 Confirmation No.: 6060 | No. of Pages (including this): 1/3 Date: July 9, 2004 Confirmation Copy to Follow: No |

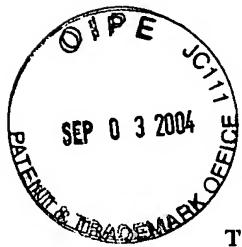
Message:**CERTIFICATE OF TRANSMISSION UNDER 37 C.F.R. 1.8**

I hereby certify that the attached Petition Under 37 C.F.R. § 1.47(a) And Statement Of Facts (\$130.00 petition fee charged to Deposit Account No. 50-1068), executed Declaration, Statement Under 37 C.F.R. § 3.73(b) with Notice of Recordation and Assignment (Exhibit A), Power of Attorney, Exhibit B, and the return copy of the Notice of Missing Parts are being facsimile transmitted to the U.S. Patent and Trademark Office on July 9, 2004.

Thomas H. Martin

If there is a problem with this transmission please call Sandy Blackman at 330-877-1203 or the sender at the number above.

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Hartville, Ohio 44632

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(330) 877-0700

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FACSIMILE TRANSMITTAL

TO:

Name: Mail Stop MISSING PARTS

FROM:

Name: Thomas H. Martin, Esq.

Firm: U.S. Patent & Trademark Office

Phone No.: 330-877-2277

Fax No.: 703-746-4060

No. of Pages (including this): /3

Subject: U.S. Patent Application No. 10/680,973
John I. Shipp et al.

Date: July 9, 2004

Filed: October 7, 2003

Confirmation Copy to Follow: No

INSTRUMENTS AND METHODS FOR USE IN
'LAPAROSCOPIC SURGERY'

Attorney Docket No. 115.0024-00000

Customer No. 22882

Confirmation No.: 6060

Message:

CERTIFICATE OF TRANSMISSION UNDER 37 CFR 1.8

I hereby certify that the attached Petition Under 37 C.F.R. § 1.47(a) And Statement Of Facts (\$130.00 petition fee charged to Deposit Account No. 50-1068), executed Declaration, Statement Under 37 C.F.R. § 3.73(b) with Notice of Recordation and Assignment (Exhibit A), Power of Attorney, Exhibit B, and the return copy of the Notice of Missing Parts are being facsimile transmitted to the U.S. Patent and Trademark Office on July 9, 2004.

Thomas H. Martin

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PATENT
Attorney Docket No. 115.0023-00000
Customer No. 22882

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

| | | |
|-----------------------------|---|------------------------|
| In re Application of: |) | Confirmation No.: 7246 |
| John I. Shipp |) | |
| Serial No.: 10/706,715 |) | Group Art Unit: 3731 |
| Filed: November 12, 2003 |) | |
| For: SURGICAL LIGATION CLIP |) | |

Mail Stop MISSING PARTS
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

PETITION UNDER 37 C.F.R. § 1.47(b) AND STATEMENT OF FACTS

The undersigned hereby petitions the Commissioner under 37 C.F.R. § 1.47(b) to accept the attached Declaration (showing the last known address of the inventor), which has been executed on behalf of the assignee due to the refusal of the inventor to sign such Declaration.

The pertinent facts regarding this matter are as follows:

The above-identified application is a non-provisional application based on Provisional Application 60/425,521, assigned to Surgicon, Inc. ("Applicant") by way of Assignment recorded on March 5, 2003 at Reel 013462 and Frame 0080. A copy of the Assignment is submitted herewith as Exhibit A, along with a Statement Under 37 C.F.R. § 3.73(b) and Power of Attorney to the undersigned from Surgicon, Inc.

The undersigned provided copies of the above-identified application and unexecuted Declaration to the Applicant on several occasions, requesting execution and return of such Declaration for filing in the Patent Office. Subsequently, on June 4, 2004 the undersigned provided a copy of the above-identified application and unexecuted Declaration directly to the inventor at a vacation location in Florida provided by Dr. Shipp (Exhibit B), requesting execution and return thereof for filing in the Patent Office. In response thereto, Dr. Shipp contacted me via telephone at my office on

09/07/2004 ZTUHARI 00000025 501068 1076715
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June 8, 2004 and told me that he would not sign the requisite Declaration because he lost money as a result of Surgicon's bankruptcy.

The undersigned hereby petitions the Commissioner to allow Roberta Napolitano, trustee of Surgicon, Inc. ("Applicant"), whose mailing address is 350 Fairfield Avenue, Bridgeport, Connecticut 06601, to make application for patent on the above-identified application to avoid irreparable damage and preserve the rights of the Applicant. This Petition is being submitted to obtain a filing date of November 12, 2003.

The return copy of the Notice to file Missing Parts is enclosed. The requisite fee in the amount of \$130.00 as set forth in 37 C.F.R. § 1.17(h) is to be charged to Deposit Account No. 50-1068.

Please grant any extensions of time required to enter this paper and charge any additional required fees to our deposit account 50-1068.

Respectfully submitted,

MARTIN & FERRARO, LLP

Dated: July 9, 2004

By: 
Thomas H. Martin
Registration No. 34,383

1557 Lake O'Pines Street, NE
Hartville, Ohio 44632
Telephone: (330) 877-0700
Facsimile: (330) 877-2030

Attorney Docket No. 115.0023-00000

DECLARATION AND POWER OF ATTORNEY

As a below named inventor, I hereby declare that: my residence, post office address and citizenship are stated below next to my name; I believe I am the original, first, and sole inventor (if only one name is listed below) or an original, first, and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled: IMPROVED SURGICAL LIGATION CLIP, the specification of which is attached and/or was filed on November 12, 2002 as United States Application Serial No. 10/206,715 or PCT International Application No. _____ and was amended on _____ (if applicable).

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above. I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR § 1.56. I hereby claim foreign priority benefits under 35 U.S.C. § 119(a)-(d) or § 365(b) of any foreign application(s) for patent or inventor's certificate or § 365(a) of any PCT International application(s) designating at least one country other than the United States, listed below and have also identified below, any foreign application(s) for patent or inventor's certificate, or any PCT International application(s) having a filing date before that of the application(s) of which priority is claimed:

| Country | Application Number | Date of Filing | Priority Claimed Under 35 U.S.C. 119 |
|---------|--------------------|----------------|---|
| | | | <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO |
| | | | <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO |

I hereby claim the benefit under 35 U.S.C. § 119(e) of any United States provisional application(s) listed below:

| Application Number | Date of Filing |
|--------------------|-------------------|
| 60/426,521 | November 12, 2002 |
| | |

I hereby claim the benefit under 35 U.S.C. § 120 of any United States application(s) or § 365(c) of any PCT International application(s) designating the United States, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application(s) in the manner provided by the first paragraph of 35 U.S.C. § 112, I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR § 1.56 which becomes available between the filing date of the prior application(s) and the national or PCT International filing date of this application:

| Application Number | Date of Filing | Status (Patented, Pending, Abandoned) |
|--------------------|----------------|---------------------------------------|
| | | |

I hereby appoint the following attorney and/or agent(s) to prosecute this application and handle all business in the Patent and Trademark Office connected therewith. MARTIN & FERRARO LLP, Thomas H. Martin, Registration No. 34,383; Amadeo F. Ferraro, Registration No. 37,129; and Todd M. Martin, Registration No. 42,844. Please address all correspondence to:

Customer No. 22882
MARTIN & FERRARO LLP
 1557 Lake O'Pines Street, NE
 Hartville, Ohio 44632
 Telephone No. (330) 877-0700.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that wilful false statements and the like so made are punishable by fine or imprisonment, or both, under section 101 of Title 18 of the United States Code, and that such wilful false statements may jeopardize the validity of the application or any patent issuing thereon.

| | | |
|--|---|------------------------------|
| Full Name of First Inventor John L Shipp | Inventor's Signature <i>John L Shipp, Trustee of YKO Partnership</i> | Date 7/2/04 |
| Residence Jacksonville Beach, Florida | Estate of Dayton Jnr. | Citizenship United States |
| Post Office Address 1221 1st Street South, Unit 7A, Jacksonville Beach, Florida 32250 | | |

MARTIN & FERRARO, LLP

OPR/ASSIGNMENTS

3/10/03 11:13 PAGE 2/3 RightFAX

Exhibit A

PTAS

UNITED STATES DEPARTMENT OF COMMERCE
 Patent and Trademark Office
 ASSISTANT SECRETARY AND COMMISSIONER
 OF PATENTS AND TRADEMARKS
 Washington, D.C. 20231

MARCH 10, 2003

MARTIN & FERRARO, LLP
 THOMAS H. MARTIN
 14500 AVION PARKWAY, SUITE 300
 CHANTILLY, VIRGINIA 20151-1101

700025460A
 700025460A



UNITED STATES PATENT AND TRADEMARK OFFICE
 NOTICE OF RECORDATION OF ASSIGNMENT DOCUMENT

THE ENCLOSED DOCUMENT HAS BEEN RECORDED BY THE ASSIGNMENT DIVISION OF THE U.S. PATENT AND TRADEMARK OFFICE. A COMPLETE MICROFILM COPY IS AVAILABLE AT THE ASSIGNMENT SEARCH ROOM ON THE REEL AND FRAME NUMBER REFERENCED BELOW.

PLEASE REVIEW ALL INFORMATION CONTAINED ON THIS NOTICE. THE INFORMATION CONTAINED ON THIS RECORDATION NOTICE REFLECTS THE DATA PRESENT IN THE PATENT AND TRADEMARK ASSIGNMENT SYSTEM. IF YOU SHOULD FIND ANY ERRORS OR HAVE QUESTIONS CONCERNING THIS NOTICE, YOU MAY CONTACT THE EMPLOYEE WHOSE NAME APPEARS ON THIS NOTICE AT 703-308-9723. PLEASE SEND REQUEST FOR CORRECTION TO: U.S. PATENT AND TRADEMARK OFFICE, ASSIGNMENT DIVISION, BOX ASSIGNMENTS, CG-4, 1213 JEFFERSON DAVIS HWY, SUITE 320, WASHINGTON, D.C. 20231.

RECORDATION DATE: 03/05/2003

REEL/FRAME: 013462/0080
NUMBER OF PAGES: 3

BRIEF: ASSIGNMENT OF ASSIGNEE'S INTEREST (SEE DOCUMENT FOR DETAILS).

ASSIGNEE:

SHIPP, JOHN I.

DOC DATE: 01/31/2003

ASSIGNEE:

SURGICON, INC.
 400 LONG BEACH BOULEVARD
 STRATFORD, CONNECTICUT 06615

SERIAL NUMBER: 60425521

FILING DATE: 11/12/2002
ISSUE DATE:

PATENT NUMBER:

LAZENA MARTIN, EXAMINER
 ASSIGNMENT DIVISION
 OFFICE OF PUBLIC RECORDS

09-03-2004 14:39 From-MARTIN&FERRARO,LLP

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T-159 P.010/017

F-349

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OPR/ASSIGNMENTS 3/10/03 11:13 PAGE 3/3 RightFAX

09-05-2003 17:28

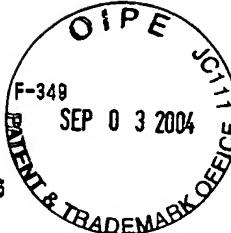
From-MARTIN&FERRARO,LLP

03/05/2003

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T-326 P.002/004 F-016

700025460

FORM PTO-1595
1-31-02RECORDATION FORM COVER SHEET
PATENTS ONLYU.S. Department of Commerce
Patent and Trademark Office

Atty. Docket No. 116.0023-00000

To the Honorable Commissioner of Patents and Trademarks:
Please record the attached original documents or copy thereof.

ATTN. BOX ASSIGNMENTS

1. Name of conveying party(ies):

John L Shipp

2. Name and address of receiving party(ies):

Name: SURGICON, INC.

Internal Address:

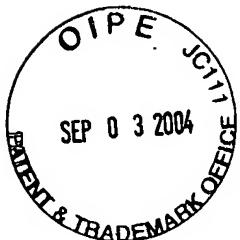
Street Address: 400 Long Beach Boulevard

City: Stratford

State: Connecticut Zip Code: 06815

Additional name(s) of conveying party(ies) attached? Yes No

3. Nature of conveyance:



Attorney Docket No. 115.0023-00000
SOLE/Joint INVENTION
(Worldwide Rights)

ASSIGNMENT

WHEREAS I/We, the below named inventor(s), [hereinafter referred to as Assignor(s)], have made an invention entitled:

IMPROVED SURGICAL LIGATION CLIP

as disclosed in the attached or for which I/We executed a provisional application for United States Letters Patent concurrently herewith or for which we filed a provisional application for United States Letters Patent on November 12, 2002 (Serial No. 60/425,521); and

WHEREAS, SURGICON, INC., a corporation of Nevada, whose post office address is 400 Long Beach Boulevard, Stratford, Connecticut 06615 (hereinafter referred to as Assignee), is desirous of securing the entire right, title, and interest in and to this invention in all countries throughout the world, and in and to any application for United States Letters Patent on this invention and the Letters Patent to be issued upon any such application;

NOW THEREFORE, be it known that for good and valuable consideration the receipt of which from assignee is hereby acknowledged, I/We, as assignor(s), have sold, assigned, transferred, and set over, and do hereby sell, assign, transfer, and set over unto the assignee, its lawful successors and assigns, my/our entire right, title, and interest in and to this invention, this provisional application, and any provisional or non-provisional applications directed to this invention which may hereafter be filed in the United States and all divisions, and continuations thereof, and all Letters Patent of the United States which may be granted thereon, and all reissues and extensions thereof, and all rights to claim priority on the basis of such application, and all applications for Letters Patent which may hereafter be filed for this invention in any foreign country and all Letters Patent which may be granted on this invention in any foreign country, and all extensions, renewals, and reissues thereof; and I/We hereby authorize and request the Commissioner of Patents and Trademarks of the United States and any official of any foreign country whose duty it is to issue patents on applications as described above, to issue all Letters Patent for this invention to assignee, its successors and assigns, in accordance with the terms of this Assignment;

AND, I/WE HEREBY covenant that I/We have the full right to convey the interest assigned by this Assignment, and I/We have not executed and will not execute any agreement in conflict with this Assignment;

AND, I/WE HEREBY further covenant and agree that I/We will, without further consideration, communicate with assignee, its successors and assigns, any facts known to me/us respecting this invention, and testify in any legal proceeding, sign all lawful papers when called upon to do so, execute and deliver any and all papers that may be necessary or desirable to perfect the title to this invention in said assignee, its successors or assigns, execute all non-provisional, divisional, continuation, and reissue applications, make all rightful oaths and generally do everything possible to aid assignee, its successors and assigns, to obtain and enforce proper patent protection for this invention in the United States and any foreign country, it being understood that any expense incident to the execution of such papers shall be borne by the assignee, its successors and assigns.

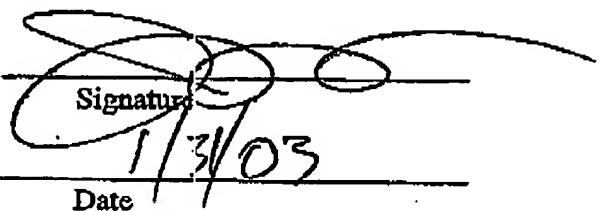
Attorney Docket No. 115.0023-00000

IN TESTIMONY WHEREOF, I/We have hereunto set our hands.

County of FAYETTE)
State of CONNECTICUT)

ss.

John I. Shipp
104 Short Spring Road
Tullahoma, Tennessee 37388


Signature

Date

1/31/03

Subscribed and sworn to before me this 7 day of FEB, 2003
Bernard E. Keltz, Notary Public
MY COMMISSION EXPIRES
31 MARCH 2004



PTO/SB/98 (06-04)

Approved for use through 07/31/2008. GOMS 081-003
U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

STATEMENT UNDER 37 CFR 3.73(b)Applicant/Patent Owner: SURGICON, INC.Application No./Patent No.: 10/708,715 Filed/Issue Date: November 12, 2003Entitled: SURGICAL LIGATION CLIP

SURGICON, INC. a corporation
(Name of Assignee) (Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is:

- the assignee of the entire right, title, and interest; or
- an assignee of less than the entire right, title and interest.
The extent (by percentage) of its ownership interest is _____ %
in the patent application/patent identified above by virtue of either:

A. An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the United States Patent and Trademark Office at Reel 013452, Frame 0000, or for which a copy thereof is attached.

OR

B. A chain of title from the Inventor(s), of the patent application/patent identified above, to the current assignee as shown below:

1. From: _____ To: _____
The document was recorded in the United States Patent and Trademark Office at Reel _____, Frame _____, or for which a copy thereof is attached.
2. From: _____ To: _____
The document was recorded in the United States Patent and Trademark Office at Reel _____, Frame _____, or for which a copy thereof is attached.
3. From: _____ To: _____
The document was recorded in the United States Patent and Trademark Office at Reel _____, Frame _____, or for which a copy thereof is attached.

Additional documents in the chain of title are listed on a supplemental sheet.

Copies of assignments or other documents in the chain of title are attached.

[NOTE: A separate copy (i.e., a true copy of the original assignment document(s)) must be submitted to Assignment Division in accordance with 37 CFR Part 3, if the assignment is to be recorded in the records of the USPTO. See MPEP 302.08]

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

July 1, 2004

Reba/La Napierian

Date

Typed or printed name

(203) 333-1177

Reba/La Napierian

Telephone number

Signature

Trustee

Title

This collection of information is required by 37 CFR 3.73(b). The information is required to obtain or retain a benefit by the public which is to be paid by the USPTO to process an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing this form, call 1-800-PTO-8786 and select option 2.



PATENT
Attomey Docket No. 115.0023-00000
Customer No. 22882

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

| | |
|-----------------------------|--------------------------|
| In re Application of: |) Confirmation No.: 7246 |
| John I. Shlipp |) |
| Serial No.: 10/706,715 |) Group Art Unit: 3731 |
| Filed: November 12, 2003 |) |
| For: SURGICAL LIGATION CLIP |) |

Mail Stop MISSING PARTS
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

POWER OF ATTORNEY

Applicant, SURGICON, INC., hereby grants their power of attorney to MARTIN & FERRARO, LLP, Thomas H. Martin, Reg. No. 34,383; Amedeo F. Ferraro, Reg. No. 37,129; and Todd M. Martin, Reg. No. 42,844; both jointly and separately as their attorneys with full power to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith, and to receive the Letters Patent.

Please send all future correspondence concerning this application to Martin & Ferraro, LLP at the following address:

Martin & Ferraro, LLP
1557 Lake O'Pines Street, NE
Hartville, Ohio 44632
Telephone: (330) 877-0700
Facsimile: (330) 877-2030

Date: July 1, 2004


Roberta Napolitano
Trustee of SURGICON, INC.



Exhibit R

WRITER'S EMAIL:
tmartin@martinferraro.com

MARTIN & FERRARO, LLP

1557 LAKE O' PINES STREET, NE
HARTVILLE, OHIO 44632
330.877.0700

FACSIMILE: 330.877.2030

LOS ANGELES OFFICE
Telephone: 310.286.9800
Facsimile: 310.286.2795

June 4, 2004

John I. Shipp, Ph.D.
1221 1st Street South, Unit 7A
Jacksonville Beach, Florida 32250

VIA FEDERAL EXPRESS

Re: U.S. Patent Application No. 10/706,715
IMPROVED SURGICAL LIGATION CLIP
Our Ref: 115.0023-00000
and
U.S. Patent Application No. 10/680,973
INSTRUMENTS AND METHODS FOR USE
IN LAPAROSCOPIC SURGERY
Our Ref: 115.0024-00000

Dear John:

Enclosed herewith are Declaration forms and copies of the specifications and drawings for each of the above-identified applications. Please review, execute, and return the Declarations to us for filing in the U.S. Patent and Trademark Office in response to Notices to File Missing Parts prior to their upcoming non-extendable deadlines.

If you have any questions or require additional information, please contact us.

With best regards,

Sincerely,

Thomas H. Martin⁺

THM/slb
Enclosures
cc: Amedeo F. Ferraro, Esq.

⁺admitted only in DC and PA



UNITED STATES PATENT AND TRADEMARK OFFICE

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| APPLICATION NUMBER | FILING OR 371 (c) DATE | FIRST NAMED APPLICANT | ATTORNEY DOCKET NUMBER |
|--------------------|------------------------|-----------------------|------------------------|
| 10/706,715 | 11/12/2003 | John I. Shipp | 115.0023-00000 |

22882
 MARTIN & FERRARO, LLP
 1557 LAKE O' PINES STREET, NE
 HARTVILLE, OH 44632

CONFIRMATION NO. 7246

FORMALITIES LETTER

 OC000000011868695

Date Mailed: 02/10/2004



NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

*Filing Date Granted*Items Required To Avoid Abandonment:

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given TWO MONTHS from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is unsigned.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.

SUMMARY OF FEES DUE:

Total additional fee(s) required for this application is \$65 for a Small Entity

- \$65 Late oath or declaration Surcharge.

Replies should be mailed to: Mail Stop Missing Parts
 Commissioner for Patents
 P.O. Box 1450
 Alexandria VA 22313-1450

A copy of this notice MUST be returned with the reply.

09-03-2004 14:41

From-MARTIN&FERRAROLLP

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Page 2 of 2

John Ware
Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE